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REMARKS

This communication is intended as a full and complete response to the non-final Office Action mailed June 21, 2006. In the Office Action, the Examiner notes that Claims 1, 2, 5, 7-15, 17 and 18 are pending and rejected. By this response, Applicants have amended claims 1 and 14.

In view of the foregoing amendments and the following discussion, Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102. Thus, Applicants believe that all of these claims are now in allowable form.

Applicants, by amending the claims, also do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response including amendments.

Amendments to the Claims

By this response, Applicants have amended claims 1 and 14. The amendments to the claims are fully supported by the Application as originally filed. For example, the amendments are supported at least by page 7, line 33 to page 8, line 3. Thus, no new matter has been added and the Examiner is respectfully requested to enter the amendments.

35 U.S.C. §102(b) Rejection of Claims 1, 2, 5, 7-15, 17, and 18

The Examiner has rejected Claims 1, 2, 5, 7-15, 17, and 18 under 35 U.S.C. §102(b) as being anticipated by Egawa et al. (5,534,944, hereinafter "Egawa"). The rejection is respectfully traversed.

Anticipation requires the presence, in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim. The Egawa reference fails to disclose each and every element of the claimed invention, as arranged in claim 1.

Specifically, the Egawa reference fails to teach or suggest at least the "encoding a second video stream in accordance with a encoding parameter associated with the

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first compressed video stream to generate a second compressed video stream having a second encoding profile which matches the first encoding profile to within a requisite degree, wherein a profiler continuously tracks the encoding parameter associated with the first compressed video stream for instant parameter changes" as recited in claim 1.

The Egawa reference discloses a method of splicing two compressed video signals (see abstract). However, the Egawa reference does not teach or suggest encoding a second video stream in accordance with a encoding parameter associated with the first compressed video stream to generate a second compressed video stream having a second encoding profile which matches the first encoding profile to within a requisite degree, wherein a profiler continuously tracks the encoding parameter associated with the first compressed video stream for instant parameter changes. Instead, the Egawa reference discloses that it will receive and splice the first and second video streams having the same format. Egawa does not teach or suggest receiving a first encoded stream and a second stream for encoding where the second stream is encoded using encoding parameters from the first encoded stream. Moreover, the Egawa reference is silent with respect to a profiler as claimed.

FIG. 7 is a flow-chart diagram of an insertion process which inserts the number of stuffing bits calculated between the insertion point between in main sequence and the start of the inserted sequence. FIG. 7(c) is a graph of buffer fullness versus time which is useful for explaining the operation of the Egawa invention when the variable k, in FIG. 7 has a value of one. They are silent with respect to "encoding a second video stream in accordance with a encoding parameter associated with the first compressed video stream to generate a second compressed video stream having a second encoding profile which matches the first encoding profile to within a requisite degree, wherein a profiler continuously tracks the encoding parameter in the first compressed video stream for instant parameter changes" as claimed.

Therefore, the Egawa reference fails to teach or suggest at least the "encoding a second video stream in accordance with a encoding parameter associated with the first compressed video stream to generate a second compressed video stream having a second encoding profile which matches the first encoding profile to within a requisite degree, wherein a profiler continuously tracks the encoding parameter associated with

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the first compressed video stream for instant parameter changes" as recited in claim 1, and as such fails to disclose each and every element of the claimed invention, as arranged in Applicants' independent claim 1.

As such, claim 1 is not anticipated by Egawa and is patentable under 35 U.S.C. §102. Furthermore, claim 14 includes relevant limitations similar to those discussed above in regards to claim 1, and as such claim 14 is also not anticipated by Egawa and is patentable under 35 U.S.C. §102. Moreover, claims 2, 5, 7-13, 15, and 17-18 depend, either directly or indirectly, from independent claims 1 and 14, and recite additional limitations thereof. As such and at least for the same reasons as discussed above, these dependent claims are also not anticipated by Egawa and are patentable under 35 U.S.C. §102.

Therefore, the Examiner is respectfully requested to withdraw the rejection.

CONCLUSION

Thus, Applicants submit that all the claims presently in the application are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

9/5/06

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